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BEFORE THE ARIZONA CORPORATION COMMISSION

BOB STUMP

Chairman

GARY PIERCE

Commissioner

BRENDA BURNS

Commissioner

BOB BURNS

Commissioner

SUSAN BITTER SMITH

Commissioner

Arizona Corporation Commission

DOCKETED

MAY 23 2014

DOCKETED BY

IN THE MATTER OF THE APPLICATION
OF DISHNET WIRELINE L.L.C. FOR
APPROVAL FOR RESCISSION OF BOND
REQUIREMENT CONTAINED IN
DECISION NO. 72496.

DOCKET NO. T-20752A-14-0067

DECISION NO. 74493

ORDER

Open Meeting
May 13 and 14, 2014
Phoenix, Arizona

BY THE COMMISSION:

FINDINGS OF FACT

1. On February 27, 2014, dishNET Wireline, L.L.C. ("dishNET" or "Applicant") submitted an Application requesting an order rescinding the \$135,000 performance bond or irrevocable sight draft letter of credit ("ISDLOC") requirement contained in Decision No. 72496 (July 25, 2011).

2. In its Application, dishNET states it provides local and long distance telecommunications services, broadband internet access and satellite television services to residential customers in Arizona.

3. dishNET's Arizona Corporation Commission ("ACC" or "Commission") Tariff No. 3, Original Sheet No. 42 indicates it does not require advance payments and deposits from its customers.

Background

4. On July 25, 2011, in Decision No. 72496, the Commission granted dishNET a Certificate of Convenience and Necessity to provide resold long distance and resold and facilities-based local

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1 exchange telecommunications services within the State of Arizona, provided dishNET complies with
2 conditions outlined in the Decision.

3 **dishNET's Application**

4 5. In its Application to eliminate the performance bond or ISDLOC
5 requirement, dishNet cites Arizona Administrative Code ("A.A.C.") R14-2-1105(d), which states that
6 "[i]n appropriate circumstances, the Commission may require, as a precondition to certification, the
7 procurement of a performance bond sufficient to cover any advances or deposits the
8 telecommunications company may collect from its customers, or order that such advances or deposits
9 be held in escrow or trust."

10 6. dishNET has maintained a performance bond for \$135,000 on file with the Commission
11 since the issuance of Decision No. 72496 and the current performance bond is scheduled to auto-
12 renew on May 12, 2014. As outlined in the performance bond, it can be cancelled upon request made
13 by dishNET to the Surety with 30 days' notice to the ACC.

14 **Complaints and Compliance**

15 7. The Consumer Services Section of the Utilities Division reports that there have been no
16 complaints, inquiries, or opinions about dishNET Wireline, L.L.C. for the period of January 1, 2011 to
17 March 7, 2014. According to the Corporations Division, dishNET is in good standing. The
18 Compliance Section reports that dishNET is in compliance.

19 **Staff Recommendations**

20 8. The Commission has, in appropriate circumstances, relieved telecommunications
21 providers of the obligation to maintain a performance bond or ISDLOC.

22 9. Staff recommends that dishNET Wireline, L.L.C. be allowed to cancel its \$135,000
23 performance bond.

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10. Staff further recommends that dishNET no longer be required to maintain a performance bond or ISDLOC as a requirement for providing resold long distance and resold and facilities-based local exchange telecommunications services within the State of Arizona.

11. dishNet has communicated to Staff that upon upon approval of this Application, the performance bond should be returned to the following name and address:

William P. Hunt
Director, Regulatory
dishNET Wireline, L.L.C.
9601 S. Meridian Blvd
Englewood, CO 80112

CONCLUSIONS OF LAW

1. dishNET Wireline, L.L.C. is a public service corporation within the meaning of Article XV of the Arizona Constitution.

2. The Commission has jurisdiction over dishNET Wireline, L.L.C. and the subject matter in this filing.

3. The Commission, having reviewed the filing and Staff's Memorandum dated April 11, 2014, concludes that it is in the public interest to approve the dishNET Wireline, L.L.C. Application as proposed and discussed herein.

ORDER

IT IS THEREFORE ORDERED that the Application of dishNET Wireline, L.L.C. to terminate the bond requirement established in Decision No. 72496, be and hereby is approved.

IT IS FURTHER ORDERED that dishNET Wireline, L.L.C. may cancel, rescind, discontinue and be released from any performance bond, irrevocable sight draft letter of credit or other instrument obtained in compliance with the \$135,000 performance bond or irrevocable sight draft letter of credit requirement established in Decision No. 72496.

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IT IS FURTHER ORDERED that the dishNET Wireline, L.L.C. performance bond be returned to the following name and address provided by the Applicant:

William P. Hunt
Director, Regulatory
dishNET Wireline, L.L.C.
9601 S. Meridian Blvd
Englewood, CO 80112

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY THE ORDER OF THE ARIZONA CORPORATION COMMISSION

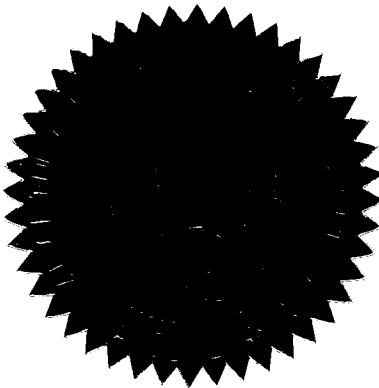
CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER



IN WITNESS WHEREOF, I, JODI JERICH, Executive Director of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 23rd day of May, 2014.

JODI JERICH
EXECUTIVE DIRECTOR

DISSENT: _____

DISSENT: _____

SMO:LLM:sms\CHH

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